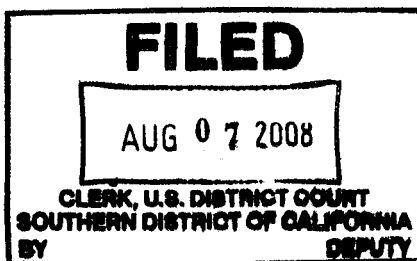


*ALSA KKD*



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**'08 MJ 87 03**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) Title 8, U.S.C., § 1326  
 ) Attempted Entry After  
Luis Flavio RAMIREZ ) Deportation (Felony)  
 )  
Defendant. )

The undersigned complainant being duly sworn states:

On or about August 6, 2008, within the Southern District of California, defendant Luis Flavio RAMIREZ, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

*[Signature]*

MARCO A. MIRANDA  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7TH DAY  
OF AUGUST 2008.

*[Signature]*

PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA  
2 v.  
3 Luis Flavio RAMIREZ

4 STATEMENT OF FACTS

5 This complaint is based on the reports and documents furnished  
6 to Border Patrol Agent A. Balkas which is based upon the statements  
7 of the apprehending Border Patrol Agent S. Morales that the Defendant  
8 was found and arrested on August 6, 2008, approximately twelve and a  
9 half miles west of Calexico, CA.

10 Agent Morales was performing his assigned Border Patrol duties  
11 approximately twelve and a half miles west of Calexico, CA Port of  
12 Entry. At approximately 0001 hours the Remote Video Surveillance  
13 System (RVSS) operator observed four subjects, one later identified  
14 as, Luis Flavio RAMIREZ (RAMIREZ) make an illegal entry into the  
15 United States by walking across the United States/Mexico International  
16 Border and illegally entering the United States. The RVSS operator  
17 maintained constant visual of RAMIREZ as he walked north. Agent  
18 Morales responded to the area. The RVSS operator guided Agent Morales  
19 to RAMIREZ's location. Agent Morales found RAMIREZ and identified  
20 himself as a United States Border Patrol Agent. Agent Morales  
21 questioned RAMIREZ as to his immigration status. RAMIREZ stated that  
22 he is a citizen of Mexico illegally in the United States. RAMIREZ was  
23 arrested and transported to the El Centro Border Patrol Station for  
24 further processing.

25  
26 At the Station records checks disclosed that RAMIREZ was excluded  
27 on August 22, 2007. Record checks also revealed that RAMINEZ has an  
28 extensive criminal record.

1       There is no evidence RAMIREZ has sought or receive permission  
2 from the Attorney General or the Secretary of the Department of  
3 Homeland Security to re-enter the United States.  
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